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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JOSEPH OLIVE an Individual,
BARBARA CHILDERS, an Individual,
CYNTHIA DIPINO, an Individual,
JULIET PINEDA, an Individual,
CAROL S THOMPSON, an Individual,
JOAN OLIVER, an Individual,
JANE DOES I-X,
and JOHN DOES I-X
Plaintiffs,

v.

VERIZON WIRELESS SERVICES, LLC.,
a Delaware Corporation
ROGER FERNANDEZ,
An Individual
MATEO PATRICK YLANAN,
An Individual,
DOES I-X,
ROE CORPORATIONS I-X,
Defendants.

Case No.: 2:24-cv-00053-JCM-DJA

**STIPULATED DISCOVERY PLAN AND
SCHEDULING ORDER**

**[SPECIAL SCHEDULING REVIEW
REQUEST]**

Under Fed. R. Civ. P. 26(f) and Local Rules of Practice for the United States District Court for the District of Nevada 26-1(a)-(b), Plaintiffs, JOSEPH OLIVE, BARBARA CHILDERS, CYNTHIA DIPINO, JULIET PINEDA, CAROL S THOMPSON, and JOAN OLIVER (“Plaintiffs”), by and through their attorney WESTLEY U. VILLANUEVA, ESQ. of WUV FIRM, LLC and Defendants Verizon Wireless Services, LLC and Mateo Patrick Ylanan (“Defendants”), by and through their counsel of record, MARVIN C RUTH of COPPERSMITH

BROCKELMAN PLC conducted a discovery-planning conference on February 5, 2024 and hereby submit to the court the following proposed discovery plan. Additionally, in compliance with LR 26-1 (a)-(b), the parties request a special scheduling review, and the following provides a statement of the reasons why longer or different time periods should apply to the case. Defendant Roger Fernandez has not been served yet and has not participated in the preparation of this report.

I.

PRIOR PROCEEDINGS

A. DATE OF FILING OF ANSWER BY FIRST ANSWERING DEFENDANT

January 11, 2024

B. DATE THE FED.R.CIV.P.26(F) CONFERENCE WAS HELD

February 5, 2024

II.

DISCOVERY PLAN PURSUANT TO FED.R.CIV.P. 26(f)(3)

A. WHETHER CHANGES, IF ANY, SHOULD BE MADE IN TIMING, FORM, OR REQUIREMENTS FOR DISCLOSURE UNDER FED.R.CIV.P. 26(A)

1. Parties' view:

Two weeks after the Rule 16 conference or after the Court enters a scheduling order.

B. SUBJECTS ON WHICH DISCOVERY MAY BE NEEDED, WHEN DISCOVERY SHOULD BE COMPLETED, AND WHETHER DISCOVERY SHOULD BE CONDUCTED IN PHASES OR BE LIMITED TO OR FOCUSED ON PARTICULAR ISSUES:

1. Parties' view:

- i. Discovery will consist of facts, documents and witnesses relating to Plaintiff's claims for (a) unjust enrichment, (b) fraud, (c) Violation of NRS 205.380, (d) violation of NRS 598 et al., (e) negligent hiring, (f) negligent training and supervision, (g) negligent retention, (h) violation of the Federal Fair Credit Reporting Act (FCRA), and Defendant's defenses thereto.
- ii. Discovery should be completed on October 2, 2024 allowing 265 days for discovery.
- iii. Discovery in this matter does not need to be conducted in phases.

C. WHETHER ISSUES EXIST REGARDING DISCLOSURE OR DISCOVERY OF ELECTRONICALLY STORED INFORMATION, INCLUDING THE FORM OR FORMS IN WHICH IT SHOULD BE PRODUCED

1. Parties' view

The parties do not anticipate the need for electronically stored information at this time.

D. WHETHER ISSUES EXIST REGARDING CLAIMS OF PRIVILEGE OR OF PROTECTION AS TRIAL-PREPARATION MATERIALS, INCLUDING – IF THE PARTIES AGREE ON A PROCEDURE TO ASSERT THESE CLAIMS AFTER PRODUCTION – WHETHER TO ASK THE COURT TO INCLUDE THEIR AGREEMENT IN AN ORDER UNDER FEDERAL RULE OF EVIDENCE 502.

1 **1. Parties' view:**

2 Not at this time.

3 **E. WHETHER, IF ANY, OTHER ORDERS SHOULD BE ENTERED BY THE**
4 **COURT UNDER RULE 26(C) OR RULE 16(B) AND (C)**

5 **1. Plaintiff's view:**

6 Not at this time.

7 **2. Defendant's view:**

8 Defendant anticipates the need for a protective order in aid of discovery and will
9 circulate a proposed stipulation to Plaintiffs' counsel regarding same.

10 **III.**

11 **DISCOVERY PLAN AND MANDATORY DISCLOSURES PURSUANT TO LR 26-1(B)**

12 **A. A STATEMENT OF THE REASONS WHY LONGER OR DIFFERENT TIME**
13 **PERIODS SHOULD APPLY TO THE CASE OR, IN CASES IN WHICH THE**
14 **PARTIES DISAGREE AS TO THE FORM OR CONTENTS OF THE**
15 **DISCOVERY PLAN, A STATEMENT OF EACH PARTY'S POSITION ON**
16 **EACH POINT IN DISPUTE PURSUANT TO LR 26-1(a)**

17 **a. Plaintiff's view:**

18 Plaintiff requests 265 days for discovery due to the number of plaintiffs/witnesses
19 who are elderly and the number of claims at issue. Extended discovery provides
20 those elderly Parties additional time period to complete necessary discovery.

21 **b. Defendant's view:**

22 Defendants agree that in this instance the proposed deadlines are necessary.

**B. FORM OF STIPULATED DISCOVERY PLAN AND SCHEDULING ORDER
PURSUANT TO LR 26-1(b)(1)-(6)**

| | LR 26-1(b)(1-6) Deadlines | Date |
|-----------|--|--------------------------|
| 1. | Discovery Cut-Off Date | October 2, 2024 |
| 2. | Amending the Pleadings and Adding Parties (LR 26-1(e)(2)) (<i>Not later than 90 days before close of discovery</i>) | July 2, 2024 |
| 3. | Fed. R. Civ. P. 26(a)(2) Disclosures (Experts) (<i>Not later than 60 days before close of discovery</i>) | August 1, 2024 |
| 4. | Fed. R. Civ. P. 26(a)(2) Rebuttal Disclosures (<i>Not later than 30 days after initial disclosure of experts</i>) | September 3, 2024 |
| 5. | Dispositive Motions (LR 26-1(e)(4)) (<i>Not later than 30 days after Discovery cut-off date</i>) | November 1, 2024 |
| 6. | Joint Pretrial Order and Fed. R. Civ. P. 26(a)(3) Disclosures (<i>Not later than 30 days after dispositive-motion deadline</i>) | December 2, 2024 |

C. CERTIFICATION OF DISPUTE RESOLUTION CONFERENCE

The undersigned certify that they met and conferred about the possibility of using alternative dispute-resolution process.

D. ELECTRONIC EVIDENCE DISPOSITION

A jury trial has been demanded and the undersigned certify that they discussed whether the parties intend to present evidence in electronic format to jurors for the purposes of jury deliberations, and the following stipulations were reached regarding providing discovery in an electronic format compatible with the court's electronic jury evidence display system: None at this time.

E. CERTIFICATION RE: ALTERNATIVE FORMS OF CASE DISPOSITION

The parties certify that they considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General Order 2013-01). The parties do not consent to trial by a magistrate judge or use of the Short Trial Program at this time.

APPROVED AS TO FORM AND CONTENT:

DATED February 23, 2024

DATED February 23, 2024

Respectfully submitted,

WUV FIRM LLC

COPPERSMITH BROCKELMAN PLC

/s/ Westley U. Villanueva, Esq.

/s/ Marvin C. Ruth, Esq.

By:

By:

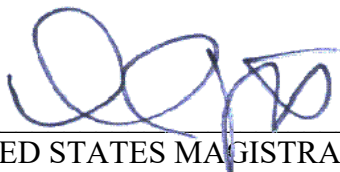
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ORDER

IT IS SO ORDERED:

DATED: 2/26/2024.



UNITED STATES MAGISTRATE JUDGE